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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,581	10/09/2001	Chong-Yung Chi	JCLA7934	8294
23900	7590	06/28/2005	EXAMINER	
J C PATENTS, INC. 4 VENTURE, SUITE 250 IRVINE, CA 92618			FAN, CHIEH M	
			ART UNIT	PAPER NUMBER
			2638	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/974,581

Applicant(s)

CHI ET AL.

Examiner

Chieh M. Fan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The declaration under 37 CFR 1.132 filed 4/1/05 is insufficient to overcome the rejection of claims 1-9 based upon 35 USC 102 and 103 as set forth in the last Office action because:

The declaration is filed and signed only by two of the three inventors: Chong-Yung Chi and Chii-Horng Chen. Chi and Chen are listed as the authors of the article "Blind Equalization using cumulant based MIMO inverse filter criteria for multiuser DS/CDMA systems in multipath", which implies that subject matter described in the article is conceived and developed by Chi and Chen. Therefore, the declaration filed by Chi and Chen is redundant. The applicants are reminded the inventive entity for the instant patent application is "Chong-Yung Chi, Chii-Horng Chen Ching-Yung Chen", which is different than the entity "Chong-Yung Chi and Chii-Horng Chen". See MPEP 2132 III.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claim 5 is rejected under 35 U.S.C. 102(a) as being clearly anticipated by Chi et al. (IEEE conference proceedings, "Blind Equalization using cumulant based MIMO inverse filter criteria for multiuser DS/CDMA systems in multipath"; different inventive entity). In particular, the claimed limitation is described in the left column of page 119.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chi et al. (IEEE conference proceedings, "Blind Equalization using cumulant based MIMO inverse filter criteria for multiuser DS/CDMA systems in multipath") in view of Inouye et al. (IEEE paper, "Super-Exponential Algorithm for Multichannel Blind Deconvolution").

Regarding claims 1 and 6, Chi et al. teaches the claimed updating, determining and comparing steps (see S1 and S2 steps of Algorithm 1 described on the left column of page 119), except that the equalizer coefficients \mathbf{v}_i is updated by a different equation.

However, Inouye et al. propose an iterative super-exponential algorithm (SEA) that updates the coefficients v_i by the claimed equation (the applicants admitted such teaching, see equation (4) of the present application). Inouye et al. further teach that SEA has the following advantages: (a) it converges iteratively to a desired solution regardless of initialization at a very fast rate; and (b) it does not need explicitly prewhitening operations (see left column of page 881). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to update the equalizer coefficients using the equation taught by Inouye et al., so as to achieve the advantages (a) and (b) described above.

Regarding claims 3 and 8, Chi et al. also teach a multistage successive cancellation (MSC) procedure, each stage comprising the obtaining, determining, estimating and updating steps as claimed (see the description under "Channel Estimation and Signal Cancellation" on page 119 and under "New Algorithm for Blind Equalization of DS/CDMA Systems" on page 120).

Regarding claims 2, 4, 7 and 9, Chi et al. also teach the claimed limitation (see the description under "Channel Estimation and Signal Cancellation" on page 119 and under "New Algorithm for Blind Equalization of DS/CDMA Systems" on page 120, particularly the step (V3)).

Claim Objections

6. Claims 2 and 7 are objected to because of the following informalities: it is suggested changing "[$\hat{u}_l[n] = e_l[n]$] (where l is unknown, and $e_l[n]$ is an equalizer output at the l th iteration]" in lines 3-4 in each of claim 2 and 7 to --- $\hat{u}_l[n] = e_l[n]$ (where l is unknown, and $e_l[n]$ is an equalizer output at the l th iteration --- (i.e., delete [and] on both sides). Otherwise, the text may be mistakenly considered as the text to be deleted.

Response to Arguments

7. Applicant's arguments filed 4/1/05 have been fully considered but they are not persuasive.

In particular, as indicated above, the declaration filed under 37 CFR 1.132 is insufficient to overcome the rejections of claims 1-9.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chieh M. Fan whose telephone number is (571) 272-3042. The examiner can normally be reached on Monday-Friday 8:00AM-5:30PM, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Chieh M Fan", with a stylized flourish at the end.

Chieh M Fan
Primary Examiner
Art Unit 2638

June 24, 2005